

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 230

Introduced by Senator Cogdill

February 23, 2009

An act to amend Section 42954 of the Public Resources Code, relating to waste tire haulers.

LEGISLATIVE COUNSEL'S DIGEST

SB 230, as amended, Cogdill. Waste tire haulers: registration.

Existing law requires every person who engages in the transportation of waste or used tires to hold a valid waste and used tire hauler registration issued by the California Integrated Waste Management Board, and requires a registered waste and used tire hauler to only transport waste or used tires to a facility that meets the conditions for being permitted, excluded, exempted, or authorized to accept waste and used tires, or to a facility that lawfully accepts waste or used tires for reuse or disposal. Existing law exempts certain persons from registration if the person meets at least one of 8 specified standards, including *transporting fewer than 10 waste or used tires at any one time a person, who is not a waste tire generating business who is transporting waste or used tires to an amnesty day event or to an authorized location, and has written authorization from the local enforcement agency.*

~~This bill would additionally exempt from the waste and used tire hauler registration requirements a person who is an owner or employee of an agriculture business concern, as defined, that is not a waste tire generating business, if the person is hauling used or waste tires that were used on a vehicle owned or operated by that agriculture business concern.~~ *additionally exempt from the waste and used tire hauler registration requirements, a person transporting illegally dumped waste*

or used tires to an amnesty day event or to an authorized location who has received written authorization, which includes specific conditions and dates and documentation that a police report has been filed for the illegally dumped tires, from the local enforcement agency. The bill would also make technical and clarifying changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42954 of the Public Resources Code is
2 amended to read:

3 42954. (a) A person who hauls waste or used tires is exempt
4 from registration under this chapter if at least one of the following
5 conditions is met:

6 (1) The person transports fewer than 10 waste or used tires at
7 any one time.

8 (2) The person is, or hauls used and waste tires in a vehicle
9 owned and operated by, the United States, the State of California,
10 or any county, city, town, or municipality in the state, except when
11 the vehicle the public agency owns or operates is used as a waste
12 and used tire carrier for hire.

13 (3) The waste or used tires were inadvertently mixed or
14 commingled with solid waste, and it is not economical or safe to
15 remove or recover them.

16 (4) ~~The vehicle~~ *load containing the used or waste tires*
17 originated outside the boundaries of the state and is destined for
18 a point outside the boundaries of the state, if no waste or used tires
19 are loaded or unloaded within the boundaries of the state.

20 (5) The person is hauling waste or used tires for agricultural
21 purposes. However, notwithstanding Section 42961.5, a person
22 hauling waste or used tires for agricultural purposes shall carry a
23 manifest from the generator in the vehicle during transportation,
24 which may be destroyed after delivery.

25 (6) The waste or used tires were hauled by a common carrier
26 who transported something other than waste or used tires to an
27 original destination point and then transported waste or used tires
28 on the return part of the trip, and the revenue derived from the
29 waste or used tires is incidental when compared to the revenue
30 earned by the carrier.

(7) The person, who is not a waste tire generating business, is transporting waste or used tires to an amnesty day event or to a location that meets the conditions specified in subdivision (b) of Section 42951, and has received written authorization, which includes specific conditions and dates, from the local enforcement agency. The local enforcement agency shall provide copies of any written authorizations to the board within 30 days of their issuance.

~~(8) (A) The person is an owner or employee of an agriculture business concern that is not a waste tire generating business and the person is hauling used or waste tires that were used on vehicles owned or operated by that agriculture business concern.~~

~~(B) For purposes of this paragraph, "agriculture business concern" means a sole proprietorship, corporation, association, firm, partnership, trust, or other form of commercial organization that primarily conducts operations relating to agriculture.~~

(8) The person is transporting illegally dumped waste or used tires to an amnesty day event or to a location that meets the conditions specified in subdivision (b) of Section 42951, and has received written authorization, which includes specific conditions and dates and documentation that a police report has been filed for the illegally dumped tires, from the local enforcement agency. The local enforcement agency shall provide copies of any written authorizations to the board within 30 days of their issuance.

(9) The person complies with any additional conditions for exemption, as approved by the board.

(b) A person who transports tires to a location that does not meet the conditions specified in subdivision (b) of Section 42951 shall not be exempt pursuant to subdivision (a), except as specified in paragraph (7) of subdivision (a).